

EXHIBIT 68

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION) Case No.
OPIATE LITIGATION) 1:17-MD-2804
APPLIES TO ALL CASES) Hon. Dan A. Polster
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VIDEOTAPED DEPOSITION OF GARY L. BOGGS

WASHINGTON, D.C.

THURSDAY, JANUARY 17, 2019

9:07 A.M.

Pages: 1 - 429

Reported by: Leslie A. Todd

<p style="text-align: right;">Page 110</p> <p>1 legal obligation to maintain effective controls --</p> <p>2 BY MR. HAWAL:</p> <p>3 Q So it is --</p> <p>4 A -- against diversion.</p> <p>5 Q It is an accurate statement.</p> <p>6 A I agree.</p> <p>7 Q And do you deny having made that</p> <p>8 statement to a USA Today reporter in that context?</p> <p>9 A I don't.</p> <p>10 Q Do you deny having a conversation with a</p> <p>11 USA Today reporter about the subject of diversion</p> <p>12 of controlled substances and distributors'</p> <p>13 obligations?</p> <p>14 A I do not.</p> <p>15 Q Okay. And then it goes on to say:</p> <p>16 "'The law requires distributors, such as Cardinal</p> <p>17 Health, to have systems to detect suspicious</p> <p>18 orders, which must then be reported to the DEA.</p> <p>19 The Agency repeatedly warns distributors that the</p> <p>20 size of an order alone triggers the distributors'</p> <p>21 responsibility to report it to the DEA,' Boggs</p> <p>22 said."</p> <p>23 First of all, was that an accurate</p> <p>24 statement?</p>	<p style="text-align: right;">Page 112</p> <p>1 the outcome.</p> <p>2 BY MR. HAWAL:</p> <p>3 Q And then it has a statement in</p> <p>4 quotations: "If all those players involved are</p> <p>5 either complicit or not doing their due diligence</p> <p>6 correctly, that whole system comes tumbling down."</p> <p>7 Do you disagree that you made that</p> <p>8 statement?</p> <p>9 A I don't.</p> <p>10 Q And then below that it has further</p> <p>11 statements attributable to you. It says:</p> <p>12 "'Distributors can act more quickly than law</p> <p>13 enforcement if they know something is wrong,'</p> <p>14 Boggs said."</p> <p>15 Do you have any reason to dispute having</p> <p>16 said that statement?</p> <p>17 MR. STANNER: Again, I'm going -- I'm</p> <p>18 going to object to the foundation on all the</p> <p>19 questions that are clearly paraphrases and not</p> <p>20 quotations.</p> <p>21 BY MR. HAWAL:</p> <p>22 Q Do you agree -- do you have any reason</p> <p>23 to disagree that you made such a statement or a</p> <p>24 statement to that effect?</p>
<p style="text-align: right;">Page 111</p> <p>1 MR. STANNER: Object to the form.</p> <p>2 Accurate that it's there, or accurate that he said</p> <p>3 it, or is the statement itself substantively</p> <p>4 accurate?</p> <p>5 THE WITNESS: I believe you read it</p> <p>6 correctly.</p> <p>7 BY MR. HAWAL:</p> <p>8 Q Well, is it -- is it a true statement?</p> <p>9 A It's a paraphrase of the regulation,</p> <p>10 yes.</p> <p>11 Q Again, do you have any reason to deny</p> <p>12 having made that statement to a USA Today</p> <p>13 reporter?</p> <p>14 A I do not.</p> <p>15 Q Then it says: "'Distributors must cut</p> <p>16 sales to those drugstores with suspicious orders,</p> <p>17 even if they have a valid DEA license,' he said."</p> <p>18 Is that also a true statement?</p> <p>19 MR. STANNER: Same objection.</p> <p>20 THE WITNESS: I don't know that I agree</p> <p>21 with the characterization of that. We have an</p> <p>22 obligation to maintain effective controls against</p> <p>23 diversion, and if that means stopping sales, that</p> <p>24 could be, based upon the facts and circumstances,</p>	<p style="text-align: right;">Page 113</p> <p>1 A I do not.</p> <p>2 Q And then it goes on to say: "'We have</p> <p>3 to investigate things in a different manner than a</p> <p>4 company that can act on a suspicious order. We</p> <p>5 have to meet constitutional and legal</p> <p>6 requirements. They don't have to sell to</p> <p>7 someone,' Boggs said. 'They have a moral</p> <p>8 obligation as keepers of powerful and dangerous</p> <p>9 substances to make sure those substances are used</p> <p>10 for legitimate medical purposes.'"</p> <p>11 Do you have any reason to dispute having</p> <p>12 made those statements?</p> <p>13 A I do not.</p> <p>14 Q Looking at the context of these</p> <p>15 statements and in terms of what this article is</p> <p>16 reported to be about, would it be fair to say that</p> <p>17 you as a DEA agent at the time were expressing</p> <p>18 dissatisfaction or frustration with certain</p> <p>19 distributors as to their failure to maintain</p> <p>20 effective controls to prevent the diversion of</p> <p>21 controlled substances?</p> <p>22 MR. STANNER: Object to the form.</p> <p>23 MR. SATIN: And I -- objection. I'm</p> <p>24 objecting pursuant to Touhy.</p>

<p style="text-align: right;">Page 114</p> <p>1 I don't quite understand the question.</p> <p>2 You can ask him about what he said but not why he</p> <p>3 said it or what was going on at DEA at the time</p> <p>4 that may have informed this statement.</p> <p>5 MR. HAWAL: Counsel, this -- this is --</p> <p>6 he clearly made a public statement, and I believe</p> <p>7 that the Touhy requirements allow me to explore</p> <p>8 the circumstances of this public statement. I</p> <p>9 don't understand how you can object in the context</p> <p>10 of what he says here.</p> <p>11 MR. SATIN: So I -- I had a conversation</p> <p>12 with the AUSA, Mr. Bennett, on this subject, and</p> <p>13 while it's permissible to ask about the fact of</p> <p>14 those public statements, but what is behind those</p> <p>15 statements, the circumstances, the motives, the</p> <p>16 background material, that is off-limits. That's</p> <p>17 an issue you'll have to take up with the</p> <p>18 government.</p> <p>19 MS. KASWAN: We've been going quite a</p> <p>20 while. Can we take a break?</p> <p>21 MR. STANNER: The witness is fine, so</p> <p>22 we're happy to keep going. Obviously, people</p> <p>23 should feel free to use the restroom.</p> <p>24 MS. KASWAN: I could use a break.</p>	<p style="text-align: right;">Page 116</p> <p>1 BY MR. HAWAL:</p> <p>2 Q Were these -- were these the kinds of</p> <p>3 statements that are attributive -- attributed to</p> <p>4 you in this article that you would have been</p> <p>5 generally making during this frame?</p> <p>6 MR. STANNER: Object to the form of the</p> <p>7 question.</p> <p>8 BY MR. HAWAL:</p> <p>9 Q In 2012.</p> <p>10 MR. STANNER: Same objection.</p> <p>11 THE WITNESS: I don't know that I</p> <p>12 understand your question when you say --</p> <p>13 BY MR. HAWAL:</p> <p>14 Q Well --</p> <p>15 A -- "generally making."</p> <p>16 Q Well, were these the kinds of statements</p> <p>17 that you were generally making to individuals who</p> <p>18 would have been inquiring about the opioid crisis</p> <p>19 and certain distributors not living up to their</p> <p>20 obligations under federal regulations?</p> <p>21 MR. SATIN: Counsel, I'm sorry to</p> <p>22 interrupt. Are you asking about statements he was</p> <p>23 making --</p> <p>24 MR. HAWAL: In the public domain.</p>
<p style="text-align: right;">Page 115</p> <p>1 THE VIDEOGRAPHER: The time is</p> <p>2 11:24 a.m. We're going off the record.</p> <p>3 (Recess.)</p> <p>4 THE VIDEOGRAPHER: The time is</p> <p>5 11:41 a.m., and we're back on the record.</p> <p>6 BY MR. HAWAL:</p> <p>7 Q Mr. Boggs, continuing on with the</p> <p>8 USA Today article that we've been discussing,</p> <p>9 there's another statement that is attributable to</p> <p>10 you, and it says: "'You can have the ostrich</p> <p>11 approach. You can stick your head in the sand and</p> <p>12 ignore blatant signs,' Boggs said."</p> <p>13 And then it goes on to say: "This</p> <p>14 company is sitting in a state that has been the</p> <p>15 epicenter of the problem. It's no secret that the</p> <p>16 drug of choice is oxycodone. I don't think you</p> <p>17 have to be that strong of an investigator to put</p> <p>18 two and two together," close quote.</p> <p>19 Are those statements that you would have</p> <p>20 made?</p> <p>21 MR. STANNER: Object to the form of the</p> <p>22 question, the word "attributable."</p> <p>23 THE WITNESS: I -- I believe that</p> <p>24 they're correct, yes.</p>	<p style="text-align: right;">Page 117</p> <p>1 MR. SATIN: -- in the public domain?</p> <p>2 MR. HAWAL: Yes, sir.</p> <p>3 THE WITNESS: This is a statement I made</p> <p>4 in this particular article. I don't recall every</p> <p>5 statement that I made during that time frame.</p> <p>6 BY MR. HAWAL:</p> <p>7 Q Let me ask you this: When you left DEA,</p> <p>8 did you get some type of clearance from the DEA to</p> <p>9 go work for McKesson?</p> <p>10 A I believe that I was interviewed by</p> <p>11 McKesson counsel on -- on that.</p> <p>12 Q Well, I'm not so concerned about</p> <p>13 McKesson's counsel. But did you seek clearance</p> <p>14 from the DEA to go work for a distributor?</p> <p>15 A I don't recall doing that, no.</p> <p>16 Q So you don't have any type of written</p> <p>17 agreement with the DEA that allowed you to go work</p> <p>18 for McKesson?</p> <p>19 A I do not.</p> <p>20 Q Okay. So as far as you know, there were</p> <p>21 no restrictions placed upon you by the DEA as to</p> <p>22 what you could or could not communicate with</p> <p>23 McKesson about as it relates to your pre, or --</p> <p>24 prior employment with the DEA?</p>

<p style="text-align: right;">Page 118</p> <p>1 MR. STANNER: Object to the form of the</p> <p>2 question.</p> <p>3 THE WITNESS: I don't have any</p> <p>4 restrictions that I'm aware of, no, other than</p> <p>5 what we're talking about today.</p> <p>6 MR. STANNER: Mr. Hawal, I think someone</p> <p>7 on the phone is complaining about the microphones.</p> <p>8 Can the people on the phone hear us?</p> <p>9 (UNIDENTIFIED SPEAKER): It sounds like</p> <p>10 the mics have been turned down a little bit. I</p> <p>11 don't know if there's a way to adjust the volume.</p> <p>12 We were fine before the break.</p> <p>13 MR. STANNER: I think we just tried to</p> <p>14 do that. Has there -- have you -- have you</p> <p>15 noticed any change? We just tried -- we just</p> <p>16 changed the volume.</p> <p>17 (UNIDENTIFIED SPEAKER): No, not yet.</p> <p>18 THE VIDEOGRAPHER: Do you hear anything</p> <p>19 better now?</p> <p>20 (UNIDENTIFIED SPEAKER): Yes. Much</p> <p>21 better. Thank you.</p> <p>22 MR. STANNER: Great. If people on the</p> <p>23 phone could mute their phones, that would be very</p> <p>24 helpful. Thanks.</p>	<p style="text-align: right;">Page 120</p> <p>1 making enormous sales to customers that were</p> <p>2 per se in violation of DEA rules. The notion put</p> <p>3 out by HDMA that somehow or another the DEA is not</p> <p>4 providing essential information to them is simply</p> <p>5 not accurate,' says Boggs. 'It's a smoke screen.</p> <p>6 It's a step out of desperation.'"</p> <p>7 Do you remember making such statements</p> <p>8 in 2012?</p> <p>9 MR. STANNER: Object to the form,</p> <p>10 compound. Vague if you're referring to the</p> <p>11 quotation on the preceding sentence.</p> <p>12 MR. HAWAL: Yes.</p> <p>13 BY MR. HAWAL:</p> <p>14 Q Do you -- do you remember making such</p> <p>15 statement?</p> <p>16 MR. HAWAL: I'm sorry?</p> <p>17 MR. STANNER: I'm sorry, you said,</p> <p>18 "Yes." Do you mean -- are you referring just to</p> <p>19 the quotation --</p> <p>20 MR. HAWAL: Yes.</p> <p>21 MR. STANNER: -- or to the entire --</p> <p>22 MR. HAWAL: Yeah, quotations.</p> <p>23 THE WITNESS: I -- I don't recall making</p> <p>24 them.</p>
<p style="text-align: right;">Page 119</p> <p>1 (Plaintiffs' Exhibit No. 7 was</p> <p>2 marked for identification.)</p> <p>3 BY MR. HAWAL:</p> <p>4 Q Mr. Boggs, I'm handing you what has been</p> <p>5 marked as Plaintiffs' Exhibit 7, which is a</p> <p>6 different article but also from 2012. And this</p> <p>7 was published in Bloomberg Businessweek. The</p> <p>8 title of the article is "American Pain: The</p> <p>9 Largest U.S. Pill Mill's Rise and Fall." "There</p> <p>10 were 335 million prescriptions for painkillers</p> <p>11 written in 2011. Is it any wonder some of them</p> <p>12 were from criminals?"</p> <p>13 And my question is, do you recall being</p> <p>14 interviewed by someone from Bloomberg Businessweek</p> <p>15 at or around this time where you made certain</p> <p>16 statements that were -- that appeared in this</p> <p>17 article?</p> <p>18 A I do not.</p> <p>19 Q I'm going to put on the screen a</p> <p>20 paragraph that has certain statements that are</p> <p>21 attributable to you. And it says: "Gary Boggs,</p> <p>22 Special Agent with the DEA's Office of Diversion</p> <p>23 Control says, 'The cases that the DEA has brought</p> <p>24 in recent years involved wholesalers knowingly</p>	<p style="text-align: right;">Page 121</p> <p>1 BY MR. HAWAL:</p> <p>2 Q Were these statements that were</p> <p>3 consistent with statements that you would have</p> <p>4 been making at that time in the public domain?</p> <p>5 A It appears a statement that I made for</p> <p>6 this article.</p> <p>7 Q Okay. And in -- in June of 2012, were</p> <p>8 you still a DEA employee or had you retired as of</p> <p>9 that time?</p> <p>10 A I retired at the end of that month.</p> <p>11 Q Okay. I'm going to hand you another</p> <p>12 exhibit. I think we're at Exhibit 8.</p> <p>13 (Plaintiffs' Exhibit No. 8 was</p> <p>14 marked for identification.)</p> <p>15 BY MR. HAWAL:</p> <p>16 Q With regard to the statement that was in</p> <p>17 the Bloomberg publication, you referred to HDMA.</p> <p>18 HDMA is the trade association for pharmaceutical</p> <p>19 wholesalers like McKesson and Cardinal and</p> <p>20 AmerisourceBergen?</p> <p>21 A It was formerly HDA -- or HDMA. Now</p> <p>22 it's HDA. Yes, it is.</p> <p>23 Q And you have attended HDMA meetings?</p> <p>24 MR. SATIN: Are you asking about since</p>

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1 he left the government or before?

2 BY MR. HAWAL:

3 Q Well, let's talk about since you left

4 the DEA, have you attended HDMA meetings?

5 A I don't believe I have, no.

6 Q Sir, I'm handing you Exhibit No. 8,

7 which is a summary of a DEA/HDMA meeting,

8 December 19th, 2011. At the bottom, there's a

9 bottom paragraph that discusses statements

10 attributable to you.

11 In two thousand -- in December of 2011,

12 would you have stated that: "The DEA's single

13 greatest concern was the belief that wholesale

14 distributors were lax in analysis, review and

15 acting on their own ARCOS data"?

16 MR. SATIN: Mr. Boggs, I'm going to

17 object to the extent that question calls for you

18 to disclose non-public information based on your

19 work when you were at DEA.

20 THE WITNESS: I don't believe I can

21 answer that question.

22 BY MR. HAWAL:

23 Q At that time, would you have stated that

24 the data that you were seeing from wholesalers

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1 was, quote, pretty egregious, close quote?

2 MR. SATIN: Same instruction.

3 BY MR. HAWAL:

4 Q Would you have said that: "The DEA had

5 not seen" --

6 MR. HAWAL: The next page, Evan.

7 BY MR. HAWAL:

8 Q -- "had not seen changes in registrants'

9 behavior that it expected after presenting its

10 analysis of ARCOS data to them, so we have upped

11 our game"?

12 MR. SATIN: Same instruction.

13 THE WITNESS: I don't believe at this

14 time I can answer that question.

15 BY MR. HAWAL:

16 Q The second paragraph of that page says

17 that: "DEA stressed this point repeatedly

18 throughout the meeting. They seemed frustrated

19 and stated this was occurring even among wholesale

20 distributors that had been in DEA's suspicious

21 educational meetings and even among those who had

22 suspicious SO monitoring programs."

23 "SO" would be suspicious order

24 monitoring programs?

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1 A That's what it says in the document,

2 yes.

3 Q "Their belief is that if the wholesale

4 distributors were to look at their own data,

5 problem customers would be very evident."

6 Were these statements that you were

7 convey -- conveying to the distributor trade --

8 trade organization, trade association during this

9 time frame?

10 MR. SATIN: Same --

11 MR. STANNER: Object --

12 MR. SATIN: Same instruction.

13 MR. STANNER: Object to the form of the

14 question.

15 THE WITNESS: I don't believe at this

16 time I can answer that question.

17 BY MR. HAWAL:

18 Q Mr. Boggs, since you went to McKesson,

19 were you aware or did you become aware that the

20 DEA continued to investigate McKesson and its

21 failures to live up to the 2008 settlement

22 agreement and its own obligations that it assumed

23 as a part of that agreement?

24 MR. STANNER: Objection to the form of

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1 the question, compound, vague, misstates.

2 THE WITNESS: I'm aware since I came to

3 McKesson that there had been an investigation of

4 the company related to that, that resulted in a

5 settlement, yes.

6 BY MR. HAWAL:

7 Q And have you undertaken since you joined

8 McKesson to look at the basis for the charges by

9 the Department of Justice and the DEA that led to

10 the later settlement by McKesson?

11 MR. STANNER: Object to the form of the

12 question. I object to the use of the word

13 "charges by the Department of Justice." I'm not

14 aware of any such thing.

15 THE WITNESS: I have -- I reviewed the

16 settlement agreement and the terms within the

17 settlement agreement.

18 BY MR. HAWAL:

19 Q Was it any part of your obligation or

20 job function to look at McKesson's failures since

21 2008 in order to try and correct them or improve

22 McKesson's Controlled Substance Monitoring

23 Program?

24 MR. STANNER: Object to the form, vague.

<p style="text-align: right;">Page 126</p> <p>1 THE WITNESS: There are certain terms 2 and requirements under that settlement agreement 3 that I'm responsible for overseeing that, and part 4 of my job is to oversee ways that we can continue 5 to evolve and improve our program to make sure 6 that we're doing the best that we can to adhere to 7 our regulation -- our regulatory obligations. 8 BY MR. HAWAL: 9 Q Well, would you agree with me that it 10 would be difficult to make improvements if one 11 didn't go back and determine where improvements 12 were necessary or needed? 13 MR. STANNER: Object to the form, 14 misstates the testimony. 15 THE WITNESS: I -- I think in some times 16 that's an opportunity to do that. I think other 17 times you have to take into consideration that, 18 you know, what may or may not have led to some 19 issues that, you know, many years ago was for a 20 different time and different type of diversion 21 scheme where the red flags may have been different 22 than what they are today. 23 So I want to make sure that I'm not 24 looking at things that are no longer valid in</p>	<p style="text-align: right;">Page 128</p> <p>1 Do you recall this PowerPoint 2 presentation? 3 A I do. 4 Q Did you have a chance to review this 5 when you were preparing for this deposition with 6 your counsel? 7 A I -- 8 MR. STANNER: Objection to the extent it 9 calls for privileged information. 10 BY MR. HAWAL: 11 Q Did you review this? 12 A I've looked at this document, yes. 13 Q As part of your preparation for this 14 deposition? 15 A I did. 16 Q And this was prepared -- what does 17 "Olive Branch" mean? 18 A Olive Branch is where the McKesson's 19 national redistribution center is. It's Olive 20 Branch, Mississippi. 21 Q Okay. And this would have been prepared 22 after you left the DEA? 23 A It would. 24 Q Did it contain information that you</p>
<p style="text-align: right;">Page 127</p> <p>1 today's environment, so I'm looking more forward 2 and what is today's thread, if you will, of 3 diversion, and how best that we can identify that. 4 Not necessarily looking retrospective to schemes 5 that are no longer a relevant factor. 6 BY MR. HAWAL: 7 Q Well, you would agree generally that if 8 one doesn't look at past mistakes, one won't learn 9 from their past mistakes. Is that true? 10 MR. STANNER: Object to the form of the 11 question. 12 THE WITNESS: I think that that's 13 generally a -- a solid thing. 14 (Plaintiffs' Exhibit No. 9 was 15 marked for identification.) 16 MR. HAWAL: Evan, 880. 17 BY MR. HAWAL: 18 Q Mr. Boggs, I've handed you what has been 19 marked as Plaintiffs' Exhibit 9, bearing Bates 20 stamp MCK-AGMS-0060000880. 21 It is a PowerPoint presentation, "State 22 of Prescription Drug Abuse," with McKesson's name 23 at the top, and your name and the term "Olive 24 Branch."</p>	<p style="text-align: right;">Page 129</p> <p>1 would have learned or become aware of when you 2 worked for the DEA? 3 A It did. It does. 4 Q Did you seek and obtain any clearance 5 from the DEA to make this presentation or put this 6 material together? 7 A I did not. 8 Q Now, when you reviewed this PowerPoint 9 presentation, did it appear to you to be correct 10 and accurate? Was there anything -- or was there 11 anything that stood out as being inaccurate or 12 that you deemed required correction? 13 A I -- 14 MR. STANNER: You're asking -- I'm 15 sorry, Counsel, you're asking at the time it was 16 prepared or since then? 17 MR. HAWAL: No, when you -- when he 18 reviewed it in preparation for his deposition. 19 MR. STANNER: My mistake. 20 THE WITNESS: When I reviewed it, it 21 appeared to be an accurate representation of the 22 presentation that I gave. 23 BY MR. HAWAL: 24 Q And when was it presented and -- and</p>

<p style="text-align: right;">Page 130</p> <p>1 where?</p> <p>2 A It was presented at the national</p> <p>3 redistribution center, McKesson's national</p> <p>4 redistribution center in Olive Branch,</p> <p>5 Mississippi. It would have been probably sometime</p> <p>6 in the summer of 2013.</p> <p>7 Q And this was when you were retained to</p> <p>8 be a consultant for McKesson?</p> <p>9 A It was.</p> <p>10 Q And who was in attendance for you to</p> <p>11 present this to?</p> <p>12 A The individuals that were part of</p> <p>13 McKesson's Regulatory Affairs program were in</p> <p>14 attendance. There were representatives at the</p> <p>15 distribution center leadership team, such as a</p> <p>16 distribution center manager or a distribution</p> <p>17 center director of operations from across the</p> <p>18 country were in attendance. Don Walker was in</p> <p>19 attendance. There were several other individuals.</p> <p>20 I don't recall every single one of them.</p> <p>21 Q When you prepared this PowerPoint</p> <p>22 presentation, were you using and/or including</p> <p>23 information which you considered to be accurate?</p> <p>24 A I was using information related to</p>	<p style="text-align: right;">Page 132</p> <p>1 use of prescription painkillers."</p> <p>2 What did you mean by that statement?</p> <p>3 A What I meant by that statement, which is</p> <p>4 reflected in the -- the next slide, is an example</p> <p>5 of a manufacturer who was involved in an</p> <p>6 investigation or a settlement with the government</p> <p>7 that was about the false or misleading of</p> <p>8 OxyContin, which was specifically to Purdue</p> <p>9 Pharma.</p> <p>10 Q And the next page references Purdue</p> <p>11 Pharma in a \$635 million fine that was imposed on</p> <p>12 Purdue for misleading advertising about its</p> <p>13 OxyContin product?</p> <p>14 A That's correct.</p> <p>15 Q And you -- you consider that to be one</p> <p>16 of the causes of the opioid crisis in the United</p> <p>17 States?</p> <p>18 MR. STANNER: Object to the form of the</p> <p>19 question.</p> <p>20 THE WITNESS: I think it has a</p> <p>21 contributing factor, yes.</p> <p>22 BY MR. HAWAL:</p> <p>23 Q And then the next page, you reference a</p> <p>24 company, Cephalon, in a \$425 million fine, which</p>
<p style="text-align: right;">Page 131</p> <p>1 the -- the presentation. I mean, I --</p> <p>2 Q Well, did you --</p> <p>3 A -- I wasn't trying to provide any</p> <p>4 inaccurate information.</p> <p>5 Q Well, I assume that when you were making</p> <p>6 this presentation to McKesson, you were intending</p> <p>7 to provide accurate information, true, as you</p> <p>8 understood it?</p> <p>9 A Absolutely.</p> <p>10 Q Okay. And the title of the -- on the</p> <p>11 next page is "The Impact of Effective Compliance:</p> <p>12 Protecting America from Prescription Drug</p> <p>13 Diversion."</p> <p>14 Is that a title that you created?</p> <p>15 A It is.</p> <p>16 Q And if we go to page 883, you have two</p> <p>17 planes colliding, and you're referring to two</p> <p>18 drugs, two opioid drugs, oxycodone and Percocet.</p> <p>19 What was your purpose of having two</p> <p>20 airplanes colliding in midair with that slide?</p> <p>21 A The purpose is to grab the attention of</p> <p>22 the audience and recognize something significant.</p> <p>23 Q Okay. And the last bullet point on that</p> <p>24 page, you indicate that "Manufacturers fueled the</p>	<p style="text-align: right;">Page 133</p> <p>1 it ended up agreeing to pay as a result of</p> <p>2 inappropriate marketing of its drug fentanyl?</p> <p>3 A That's correct.</p> <p>4 Q Again, a factor that you considered to</p> <p>5 be contributing to the opioid crisis in the United</p> <p>6 States?</p> <p>7 MR. STANNER: Object to the form.</p> <p>8 THE WITNESS: I did.</p> <p>9 BY MR. HAWAL:</p> <p>10 Q And then the next page you have a chart</p> <p>11 or graph depicting rising opioid deaths, sales,</p> <p>12 and treatment admissions from 1999 to 2010.</p> <p>13 Correct?</p> <p>14 A I do.</p> <p>15 Q Would you agree, sir, that as -- the</p> <p>16 quantity of opioids that are diverted into the</p> <p>17 illicit marketplace has a direct relationship to</p> <p>18 increases in deaths of patients as well as</p> <p>19 treatment admissions?</p> <p>20 MR. STANNER: Object to the --</p> <p>21 MR. SATIN: Objection to form.</p> <p>22 MR. STANNER: Object to the form of the</p> <p>23 question, use of the phrase "diverted into the</p> <p>24 illicit marketplace."</p>

<p style="text-align: right;">Page 134</p> <p>1 THE WITNESS: I don't think that that's</p> <p>2 what this slide represents, so I don't agree with</p> <p>3 the way you've characterized that.</p> <p>4 BY MR. HAWAL:</p> <p>5 Q So are you saying that you do not agree</p> <p>6 that as greater amounts of opioid pills are</p> <p>7 diverted into the illicit marketplace, that the</p> <p>8 probability is that the number of addictions and</p> <p>9 deaths will increase?</p> <p>10 MR. STANNER: Same -- same objection. I</p> <p>11 think it --</p> <p>12 MR. HAWAL: I understand. All you have</p> <p>13 to do is say, "Objection," Andrew.</p> <p>14 MR. STANNER: Okay.</p> <p>15 MR. HAWAL: That would be appreciated,</p> <p>16 because the rules require no speaking objections.</p> <p>17 MR. STANNER: I'm just trying to be</p> <p>18 helpful.</p> <p>19 BY MR. HAWAL:</p> <p>20 Q Sir?</p> <p>21 MR. HAWAL: I understand. Thank you.</p> <p>22 THE WITNESS: I -- I think there is a</p> <p>23 correlation between diversion and -- and</p> <p>24 associated problems with diversion.</p>	<p style="text-align: right;">Page 136</p> <p>1 BY MR. HAWAL:</p> <p>2 Q And you have a slide, and,</p> <p>3 unfortunately -- well, let me reference the Bates</p> <p>4 number, 892, where you have a graph -- well, you</p> <p>5 have photograph depicting what can happen when the</p> <p>6 types of checks and balances are not followed,</p> <p>7 correct, and you have a collapsing building?</p> <p>8 A That's what's on the slide, yes.</p> <p>9 Q Are you trying to emphasize how</p> <p>10 important it is for distributors like McKesson to</p> <p>11 strictly follow their legal obligations under the</p> <p>12 Controlled Substances Act and the federal</p> <p>13 regulations relating to controlled substances?</p> <p>14 A What I'm trying --</p> <p>15 MR. STANNER: Object to the form,</p> <p>16 compound.</p> <p>17 THE WITNESS: What I'm trying to depict</p> <p>18 here is, is all of the members within the closed</p> <p>19 system of distribution, which would include</p> <p>20 distributors, but it's not just isolated to them.</p> <p>21 It's for all of them, all the --</p> <p>22 BY MR. HAWAL:</p> <p>23 Q Including --</p> <p>24 A -- responsible --</p>
<p style="text-align: right;">Page 135</p> <p>1 BY MR. HAWAL:</p> <p>2 Q Well, true. And the greater the amount</p> <p>3 of diversion, the greater the likelihood is of</p> <p>4 ensuing harm, such as addiction and death. True?</p> <p>5 A I believe that's a fair statement, yes.</p> <p>6 Q What was the source of this information</p> <p>7 used to create this graph or chart?</p> <p>8 A I -- I don't recall.</p> <p>9 Q And two slides later, you have "Checks</p> <p>10 and Balances under the CSA."</p> <p>11 CSA refers to the Controlled Substances</p> <p>12 Act?</p> <p>13 A It does.</p> <p>14 Q And are you quoting the Act as to what</p> <p>15 the obligations of a wholesaler are in order to</p> <p>16 identify a controlled substance -- or identify</p> <p>17 suspicious orders as part of its obligation to</p> <p>18 prevent diversion?</p> <p>19 A Not --</p> <p>20 MR. STANNER: Object to form.</p> <p>21 THE WITNESS: I'm sorry.</p> <p>22 Not necessarily the Act but the</p> <p>23 implementing regulation. This is part of the</p> <p>24 regulation. But, yes, I'm quoting that.</p>	<p style="text-align: right;">Page 137</p> <p>1 Q Including manufacturers of opioids,</p> <p>2 right?</p> <p>3 A And pharmacists -- or pharmacies and</p> <p>4 pharmacists and doctors.</p> <p>5 Q On page 897, you reference "Florida pill</p> <p>6 mills, resulting oxy spills."</p> <p>7 Was there a particular problem in</p> <p>8 Florida in the late 2000s, including 2009 and</p> <p>9 2010, as it related to large quantities of opioids</p> <p>10 being diverted into the illicit marketplace?</p> <p>11 A There was a significant diversion scheme</p> <p>12 related to pain -- rogue pain clinics or what were</p> <p>13 often referred to as pill mills.</p> <p>14 Q And where were those pill mills getting</p> <p>15 their OxyContin, do you recall?</p> <p>16 MR. STANNER: Object to the form.</p> <p>17 MR. SATIN: And objection to the extent</p> <p>18 it's asking for you to disclose information from</p> <p>19 the -- your official work at DEA.</p> <p>20 THE WITNESS: I don't think I can answer</p> <p>21 that question at this time.</p> <p>22 BY MR. HAWAL:</p> <p>23 Q Well, did you tell your audience when</p> <p>24 you presented this slide in 2013 what the source</p>

<p style="text-align: right;">Page 138</p> <p>1 of the OxyContin was in Florida?</p> <p>2 MR. STANNER: Object to the form,</p> <p>3 "source."</p> <p>4 THE WITNESS: Well, this is not related</p> <p>5 specifically to OxyContin. This is related to</p> <p>6 oxycodone, which is --</p> <p>7 BY MR. HAWAL:</p> <p>8 Q Okay. Oxycodone. I apologize.</p> <p>9 A -- which is broader.</p> <p>10 Q Did you tell your audience where the</p> <p>11 oxycodone was being obtained?</p> <p>12 MR. STANNER: Same objection.</p> <p>13 THE WITNESS: I don't recall.</p> <p>14 BY MR. HAWAL:</p> <p>15 Q Do you recall that it was from -- at</p> <p>16 least partially from Mallinckrodt?</p> <p>17 MR. SATIN: Same --</p> <p>18 MR. STANNER: Same objection.</p> <p>19 MR. SATIN: Same instruction.</p> <p>20 THE WITNESS: I don't believe I made</p> <p>21 that statement at all.</p> <p>22 BY MR. HAWAL:</p> <p>23 Q On the next slide, 898, you indicated</p> <p>24 oxycodone deaths in Florida rose from 340 in 2005</p>	<p style="text-align: right;">Page 140</p> <p>1 A I don't recall specifically, no. There</p> <p>2 was several different areas. I just don't recall</p> <p>3 specifically which ones.</p> <p>4 Q Well, was it -- was it primarily</p> <p>5 economic impact or largely economic impact to</p> <p>6 municipalities, counties and states --</p> <p>7 MR. STANNER: Object to the form.</p> <p>8 BY MR. HAWAL:</p> <p>9 Q -- across the United States?</p> <p>10 MR. STANNER: Sorry. Object to the</p> <p>11 form, asked and answered.</p> <p>12 THE WITNESS: I don't recall it being</p> <p>13 that specific. I recall it being more of -- loss</p> <p>14 in work productivity, things like that, addiction</p> <p>15 or something like that. But I don't recall it</p> <p>16 specifically drilling down to what a county or</p> <p>17 city would -- the amount attributable to that. I</p> <p>18 don't recall that. I recall it more lost wages,</p> <p>19 lost productivity.</p> <p>20 BY MR. HAWAL:</p> <p>21 Q Have you seen any studies or statistics</p> <p>22 that reference the cost to communities, both</p> <p>23 cities and counties and states, as it relates to</p> <p>24 the economic impact of the opioid crisis?</p>
<p style="text-align: right;">Page 139</p> <p>1 to 1516 in 2010, a 346 percent increase.</p> <p>2 Do you recall where you obtained that</p> <p>3 information?</p> <p>4 A I believe I obtained that information</p> <p>5 from the Florida Medical Examiner's public</p> <p>6 website.</p> <p>7 Q And then on page 903, you have a slide</p> <p>8 that references: "A national epidemic: More than</p> <p>9 45 people die per day from prescription opioids."</p> <p>10 And then you have some statistics.</p> <p>11 And then you have the last sentence:</p> <p>12 "Economic impact to America, \$57 billion per</p> <p>13 year."</p> <p>14 Do you recall where you obtained that</p> <p>15 data?</p> <p>16 A I believe there was a study published</p> <p>17 that was publicly available on the internet that I</p> <p>18 obtained that from. I don't recall the -- the</p> <p>19 exact study, but I recall obtaining it off of the</p> <p>20 internet.</p> <p>21 Q And -- and do you -- and do you recall</p> <p>22 what kind of economic impact was being measured</p> <p>23 when it was being referred to as 57 -- \$57 billion</p> <p>24 per year?</p>	<p style="text-align: right;">Page 141</p> <p>1 MR. STANNER: Object to the form.</p> <p>2 THE WITNESS: Not that I recall</p> <p>3 specifically that, no.</p> <p>4 BY MR. HAWAL:</p> <p>5 Q The next slide says: "Are we</p> <p>6 contributing to the problem," question mark.</p> <p>7 Are you -- you're referring to</p> <p>8 distributors, right?</p> <p>9 A I am.</p> <p>10 Q And you're referencing problems that you</p> <p>11 have seen as to what a distributor -- what certain</p> <p>12 distributors have been doing to contribute to the</p> <p>13 opioid crisis, correct?</p> <p>14 A The bullets that are in here are focused</p> <p>15 specifically on a diversion scheme, and in this</p> <p>16 case it would have been a pill mill or rogue pain</p> <p>17 clinic. But that -- that was the focus of -- of</p> <p>18 this particular slide and what some of the bullets</p> <p>19 might be associated with that.</p> <p>20 Q Well, a pill mill is not going to get</p> <p>21 pills unless it gets them directly from a</p> <p>22 distributor or manufacturer, correct?</p> <p>23 MR. STANNER: Object to the form.</p> <p>24 THE WITNESS: Generally speaking, that's</p>

<p style="text-align: right;">Page 142</p> <p>1 true.</p> <p>2 BY MR. HAWAL:</p> <p>3 Q Yeah. And are you trying to emphasize</p> <p>4 that part of the problem that was occurring with</p> <p>5 certain pill mills is that distributors were</p> <p>6 shipping controlled substances in exorbitant</p> <p>7 amounts as one factor?</p> <p>8 MR. STANNER: Same objection.</p> <p>9 THE WITNESS: I believe it was more of</p> <p>10 in terms of a specific or cumulative amounts that</p> <p>11 would be going to a single location over a period</p> <p>12 of time.</p> <p>13 BY MR. HAWAL:</p> <p>14 Q I mean, for example, if a small</p> <p>15 community in a given state that has, you know, 600</p> <p>16 adults -- you know, a population of 600 adults and</p> <p>17 is getting hundreds of thousands of opioid pills</p> <p>18 provided to one pharmacy in such a small</p> <p>19 community, that would indicate to you an example</p> <p>20 of an exorbitant amount of pills going to a</p> <p>21 potentially suspicious customer. Fair?</p> <p>22 A It could be, yes.</p> <p>23 Q This PowerPoint also supports the</p> <p>24 proposition that the greater the number of opioid</p>	<p style="text-align: right;">Page 144</p> <p>1 MR. STANNER: Same -- same objection.</p> <p>2 THE WITNESS: I mean there can be</p> <p>3 certain situations where an exorbitant amount is</p> <p>4 totally legitimate. I mean on its face,</p> <p>5 exorbitant amount is a red flag. It doesn't</p> <p>6 necessarily mean where you can jump to the</p> <p>7 conclusion an exorbitant amount automatically is</p> <p>8 diversion.</p> <p>9 BY MR. HAWAL:</p> <p>10 Q I'm not -- I'm not saying automatically,</p> <p>11 but generally speaking, would you agree that an</p> <p>12 exorbitant amount going to a small community that</p> <p>13 is also in the epicenter of diversion, that that</p> <p>14 would be consistent with a greater degree of harm?</p> <p>15 A I think it requires a greater -- you</p> <p>16 know, more diligence to determine what's going on</p> <p>17 and what the factors are there, and maybe it's</p> <p>18 diversion or maybe there's a legitimate reason.</p> <p>19 Q Well, are you -- are you -- did you</p> <p>20 create this slide because you knew that this had</p> <p>21 been happening?</p> <p>22 A I created this slide because of the</p> <p>23 rogue pill mills in Florida.</p> <p>24 Q So you knew that this was happening,</p>
<p style="text-align: right;">Page 143</p> <p>1 pills diverted, that the greater the likelihood of</p> <p>2 harm to patients. True?</p> <p>3 A I'm sorry, where are we at? Which slide</p> <p>4 are you on?</p> <p>5 Q The same one that we've been</p> <p>6 referencing. I mean that's -- that supports</p> <p>7 the --</p> <p>8 A I'm not sure which bullet you're looking</p> <p>9 at.</p> <p>10 Q Well, I'm looking at the entire -- the</p> <p>11 totality of the bullet points that you raise in</p> <p>12 this that would support the notion that the</p> <p>13 greater number of opioid pills that are diverted,</p> <p>14 the greater the likelihood of harm that is caused.</p> <p>15 True?</p> <p>16 MR. STANNER: Object to the form.</p> <p>17 THE WITNESS: I don't think that that's</p> <p>18 what this slide -- this slide doesn't talk about</p> <p>19 harm.</p> <p>20 BY MR. HAWAL:</p> <p>21 Q Well, what other than harm would result</p> <p>22 from an exorbitant amount of pills being shipped</p> <p>23 to a given community where there's a known</p> <p>24 epicenter of diversion?</p>	<p style="text-align: right;">Page 145</p> <p>1 exorbitant amounts of -- of opioids were being</p> <p>2 provided to certain customers by distributors in</p> <p>3 areas that were known to be epicenters of</p> <p>4 diversion. True?</p> <p>5 MR. STANNER: Object to the form.</p> <p>6 THE WITNESS: For the pill mill, yes,</p> <p>7 that was the purpose of the slide.</p> <p>8 BY MR. HAWAL:</p> <p>9 Q And each of these factors would be a</p> <p>10 potential red flag that a distributor should be</p> <p>11 looking at. Correct?</p> <p>12 A They are -- they are red flags that you</p> <p>13 should look at, yes.</p> <p>14 Q And these would be red flags that would</p> <p>15 not have been first known in 2013, but would have</p> <p>16 been red flags that distributors should have been</p> <p>17 aware of for many years. True?</p> <p>18 MR. STANNER: Object to the form.</p> <p>19 THE WITNESS: I don't know that that's</p> <p>20 necessarily the case. We're -- we're talking</p> <p>21 about a couple of significant diversion schemes</p> <p>22 that occurred at a period of time that have</p> <p>23 never -- never happened before in this country.</p> <p>24 So the red flags sometimes are very specific to</p>

<p style="text-align: right;">Page 146</p> <p>1 that criminal scheme that may not be applicable to</p> <p>2 other types of schemes or other day-to-day</p> <p>3 operations of regular pharmacies or practitioners.</p> <p>4 BY MR. HAWAL:</p> <p>5 Q Well, sir, if a -- if a distributor in</p> <p>6 2005 was aware that these red flags were occurring</p> <p>7 in a given community or related to a given</p> <p>8 customer, should these have been red flags in 2005</p> <p>9 as well as they were in 2013?</p> <p>10 MR. STANNER: Object to the form.</p> <p>11 MR. SATIN: And objection. Don't answer</p> <p>12 that if you're going to disclose non-public</p> <p>13 information that you obtained while at the DEA.</p> <p>14 THE WITNESS: I think that they are red</p> <p>15 flags, yes.</p> <p>16 BY MR. HAWAL:</p> <p>17 Q Now, going to slide 907. "Communication</p> <p>18 Advanced Warnings." These are bullet points that</p> <p>19 indicate how distributors should have been aware</p> <p>20 of their obligations to prevent diversion.</p> <p>21 Correct?</p> <p>22 MR. STANNER: Object to the form.</p> <p>23 THE WITNESS: These -- these are some</p> <p>24 indicate -- or some examples of where information</p>	<p style="text-align: right;">Page 148</p> <p>1 distributed to a given customer. True?</p> <p>2 MR. STANNER: Object to the form.</p> <p>3 THE WITNESS: That McKesson distributed,</p> <p>4 yes.</p> <p>5 BY MR. HAWAL:</p> <p>6 Q Right. And early warning sign for an</p> <p>7 emerging trend would reflect -- would reflect your</p> <p>8 message to McKesson as to the importance of</p> <p>9 looking at the quantity of controlled substances</p> <p>10 that are being supplied to given customers, right?</p> <p>11 MR. STANNER: Object to the form.</p> <p>12 THE WITNESS: That's correct.</p> <p>13 BY MR. HAWAL:</p> <p>14 Q And then on slide 920, you have a slide</p> <p>15 that's identified "Detecting Suspicious Orders,"</p> <p>16 and I assume that you were informing the McKesson</p> <p>17 employees that were at the presentation that it's</p> <p>18 important to look at red flags. Correct?</p> <p>19 A That's correct.</p> <p>20 Q And not only have employees be vigilant</p> <p>21 about individual customers, but also listening to</p> <p>22 those employees when they identify signs that are</p> <p>23 suspicious for diversion?</p> <p>24 MR. STANNER: Object to the form.</p>
<p style="text-align: right;">Page 147</p> <p>1 was available to distributors, yes.</p> <p>2 BY MR. HAWAL:</p> <p>3 Q And the next slide refers to ARCOS data.</p> <p>4 What were you intending to communicate with that</p> <p>5 slide?</p> <p>6 A That we need to as a distributor look at</p> <p>7 the data, the ARCOS data, and look as -- at that</p> <p>8 and whether or not there's any indication in there</p> <p>9 that we need to follow up on.</p> <p>10 Q And when you reference -- when you're</p> <p>11 referring to ARCOS data, you're referring to data</p> <p>12 that distributors have relating to the quantity of</p> <p>13 different opioids that are being distributed to</p> <p>14 given customers?</p> <p>15 A Specific -- ARCOS data specific to that</p> <p>16 distributor.</p> <p>17 Q Yes.</p> <p>18 A It's not all-encompassing --</p> <p>19 Q Right.</p> <p>20 A -- of what is going to a customer.</p> <p>21 Q I mean, for example, McKesson has</p> <p>22 information in its data or its -- in its system</p> <p>23 which identifies over time how many pills --</p> <p>24 individual pills of a given opioid were</p>	<p style="text-align: right;">Page 149</p> <p>1 THE WITNESS: That's correct.</p> <p>2 BY MR. HAWAL:</p> <p>3 Q And that would be part of the onboarding</p> <p>4 process when a new customer is coming to McKesson</p> <p>5 for the first time?</p> <p>6 MR. STANNER: Object to the form.</p> <p>7 THE WITNESS: That's correct.</p> <p>8 BY MR. HAWAL:</p> <p>9 Q And periodically visiting individual</p> <p>10 pharmacies to try and determine whether they are</p> <p>11 legitimate or whether they are involved in</p> <p>12 diversion?</p> <p>13 MR. STANNER: Same objection.</p> <p>14 THE WITNESS: That's correct.</p> <p>15 BY MR. HAWAL:</p> <p>16 Q And what do you mean by, "Do not rely</p> <p>17 solely on thresholds or algorithms as a shortcut</p> <p>18 to detect suspicious orders"?</p> <p>19 A I mean that we need to conduct</p> <p>20 additional -- or conduct due -- due diligence, I'm</p> <p>21 sorry, of our customers, making sure that we</p> <p>22 understand what they're doing, whether or not they</p> <p>23 give us reason to believe that they're going to</p> <p>24 fulfill their regulatory obligations.</p>

<p style="text-align: right;">Page 150</p> <p>1 Q And that -- that part of it would be 2 that if a customer, for example, wants to increase 3 their threshold, that requires some due diligence 4 on the part of McKesson before the threshold is 5 increased, correct? 6 MR. STANNER: Object to the form. 7 THE WITNESS: Generally speaking, yes, I 8 would agree with that. 9 BY MR. HAWAL: 10 Q And that should have been occurring how 11 far back at a company like McKesson? 12 MR. STANNER: Object to the form. 13 THE WITNESS: Thresholds were not 14 necessarily something that was an industry 15 practice until probably 2006, '7 time frame. So 16 around that time frame, I guess. 17 BY MR. HAWAL: 18 Q Well, it could have been an industry 19 practice earlier than that. There's nothing 20 unique about setting thresholds that coincides 21 with 2006 and 2007. True? 22 MR. STANNER: Object to the form. 23 THE WITNESS: It -- it's one methodology 24 to identify and report suspicious orders. There</p>	<p style="text-align: right;">Page 152</p> <p>1 "Customer Communications"? 2 A I do. 3 Q The first bullet point under that, it 4 says: "All communications regarding controlled 5 substances are subject to subpoena and discovery." 6 Discovery, do you understand discovery 7 to be discovery by DEA investigations as well as 8 discovery in legal proceedings as we are 9 participating in here today? 10 A That would be my understanding, yes. 11 Q And it says in the third bullet point: 12 "Write information as if it were being viewed by 13 the DEA." Do you see that? 14 A I do. 15 Q Does that convey to you a reminder to be 16 careful about how communications are occurring in 17 written format? 18 MR. STANNER: Object to the form of the 19 question. Calls for speculation, hearsay, 20 foundation. 21 THE WITNESS: I don't agree with the 22 characterization of that. I think that the intent 23 is to make sure that we're clear and that there's 24 not a -- a way to misconstrue what's being written</p>
<p style="text-align: right;">Page 151</p> <p>1 may be others. 2 (Plaintiffs' Exhibit No. 10 was 3 marked for identification.) 4 BY MR. HAWAL: 5 Q Mr. Boggs, I'm going to hand you what's 6 been marked as Exhibit 10. This is 301, 7 Operations Manual. 8 Mr. Boggs, I take it you've seen 9 McKesson's Operations Manual for the Controlled 10 Substance Monitoring Program? 11 A I have. 12 Q If you look at page 13 of 16, and the 13 numbering is at the top right-hand corner, this -- 14 is this the -- this is the manual for the 15 Controlled Substance Monitoring Program that was 16 enacted as a part of McKesson's obligations with 17 its 2008 settlement? 18 MR. STANNER: Object to the form of the 19 question, foundation. 20 THE WITNESS: It -- it was the -- the 21 program for -- that was instituted in 2008 for -- 22 BY MR. HAWAL: 23 Q And if you look at page 13 of 16 under 24 "Due Diligence" -- do you see where it says</p>	<p style="text-align: right;">Page 153</p> <p>1 so that someone -- a third party that may not know 2 anything about what transpired would -- would 3 understand it with -- with some clarity. 4 BY MR. HAWAL: 5 Q Well, let's go to the next highlighted 6 bullet point. It says: "Refrain from using the 7 word 'suspicious' in communications. Once 8 McKesson deems an order and/or customer 9 suspicious, McKesson is required to act. This 10 means all controlled substances sales to that 11 customer must cease, and the DEA must be 12 notified." 13 As a former DEA representative, does it 14 trouble you that McKesson is formally instructing 15 its employees to refrain from using the word 16 "suspicious" in communications because of the 17 obligation that follows identifying an order as 18 suspicious? 19 MR. STANNER: Object to the form of the 20 question on several bases. I'll avoid a lengthy 21 objection. 22 BY MR. HAWAL: 23 Q Does that trouble you, sir? 24 A I think with my understanding and</p>